

230537

STATE OF SOUTH CAROLINA

(Caption of Case)

Application Regarding the Acquisition of  
Progress Energy, Incorporated by Duke  
Energy Corporation and Merger of Progress  
Energy Carolina, Incorporated and Duke  
Energy Carolinas, LLC

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET  
NUMBER: 2011 - 158 - E

(Please type or print)

Submitted by: Robert R. Smith II

SC Bar Number: 69592

Address: Moore & Van Allen, PLLC

Telephone: 704-331-1000

100 North Tryon Street, Suite 4700

Fax: 704-339-5870

Charlotte, NC 28202

Other:

Email: robsmith@mvalaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

Print Form

Reset Form

BEFORE THE  
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKET NO. 2011-158-E

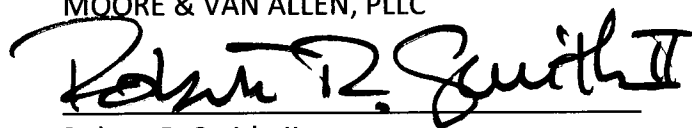
IN THE MATTER OF:	)	
	)	
Application Regarding the Acquisition of	)	<b>MOTION FOR ADMISSION</b>
Progress Energy, Incorporated by Duke	)	<b><i>Pro Hac Vice</i></b>
Energy Corporation and Merger of Progress	)	
Energy Carolina, Incorporated and Duke	)	
Energy Carolinas, LLC	)	

Nucor Steel-South Carolina, a Division of Nucor Corporation, hereby moves the Public Service Commission of South Carolina ("Commission") to permit Garrett A. Stone and Michael K. Lavanga to practice pro hac vice before the Commission in the above-captioned matter.

Pursuant to SCACR 404, Messrs. Stone and Lavanga, together with counsel of record, have filed a *Verified Application for Admission Pro Hac Vice* with the South Carolina Supreme Court. Attached hereto are stamped copies of both Verified Applications as filed with the Supreme Court.

WHEREFORE, as the provisions set forth in SCACR 404 have been satisfied, Nucor requests this motion be granted.

Respectfully submitted,  
MOORE & VAN ALLEN, PLLC

A handwritten signature in black ink, reading "Robert R. Smith, II". The signature is written in a cursive style with a horizontal line underneath the name.

Robert R. Smith, II

100 North Tryon Street  
Suite 4700  
Charlotte, NC 28202  
(704) 331-1000  
(704) 339-5870 Fax  
[robsmith@mvalaw.com](mailto:robsmith@mvalaw.com)

Counsel for Nucor Steel-South Carolina

Dated: June 22, 2011

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**DOCKET NO. 2011-158-E**

IN THE MATTER OF:	)	
	)	
Application Regarding the Acquisition of	)	<b>CERTIFICATE OF SERVICE</b>
Progress Energy, Incorporated by Duke	)	
Energy Corporation and Merger of Progress	)	
Energy Carolina, Incorporated and Duke	)	
Energy Carolinas, LLC	)	

This is to certify that the foregoing document was served upon the following parties at the addresses set forth by first-class mail, telefax or Federal Express on this the 22 day of June, 2011:


**Frank R. Ellerbe, III, Esq.**  
Robinson, McFadden & Moore, P.C.  
Post Office Box 944  
Columbia, SC 29202-0944

**Kodwo Ghartey-Tagoe, Esq.**  
Duke Energy Carolinas, LLC  
Post Office Box 1006/EC03T  
Charlotte, NC 28201-1006

**Len S. Anthony, Esq.**  
Progress Energy Carolinas, Inc.  
Post Office Box 1551 - MC 17A4  
Raleigh, NC, 27602

**Nanette S. Edwards, Esq.**  
**Courtney D. Edwards, Esq.**  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC, 29201

**James N. Horwood, Esq.**  
**Peter J. Hopkins, Esq.**  
**Pablo O. Nuesch, Esq.**  
Spiegel & McDiarmid, LLP  
1333 New Hampshire Avenue, N.W.  
Washington, DC, 20036

  
Robert R. Smith, II

**RECEIVED**

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE* JUL 22 2011  
IN THE STATE OF SOUTH CAROLINA**

**S.C. SUPREME COURT**

IN THE MATTER OF:

Docket No. 2011-158-E

Application Regarding the Acquisition of  
Progress Energy, Incorporated by Duke  
Energy Corporation and Merger of Progress  
Energy Carolina, Incorporated and Duke  
Energy Carolinas, LLC

Public Service Commission of South Carolina

Mailing Address:

101 Executive Center Dr.  
Suite 100  
Columbia, SC 29210

Comes now Garrett A. Stone, applicant herein, and respectfully represents the following:

1. Applicant resides at 2202 Toronto Street, Falls Church, County of Fairfax, VA 22043; telephone number 703-241-4122.
2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Brickfield, Burchette, Ritts & Stone, PC, with offices at 1025 Thomas Jefferson Street, NW, 8<sup>th</sup> Floor West, Washington, DC 20007; telephone 202-342-0800; fax number 202-342-0807.
3. Applicant has been retained personally or as a member of the above named law firm by Nucor Steel-South Carolina to provide legal representation in connection with the above case now pending before the above named regulatory agency of the State of South Carolina.
4. Since April 11 of 1986, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia where applicant regularly practices law. Attached is a certificate of good standing.
5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

<u>Court:</u>	<u>Date Admitted:</u>
Colorado	1982
United States District Court for the District of Colorado	1982
United States Court of Appeals for the Tenth Circuit	1982

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

Not applicable. Colorado membership is inactive at Applicant's election.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Applicant affirms the above statement to be true and correct.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable.

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

Not applicable.

9. Local counsel of record associated with applicant in this case is Robert R. Smith II, of the Moore & Van Allen, PLLC law firm, which has offices at: 100 North Tryon Street, Suite 4700, Charlotte, NC 28202; telephone 704-331-1000.

If applicable list all other firms/attorneys you are associated with on this matter.

Not applicable.

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Applicant filed an application to appear in the following proceedings before the South Carolina Public Service Commission:

Name:	Case No. 2011-1-E Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs
Status:	On-going
Application:	Filed March 21, 2011 Granted March 30, 2011 by Commission Order
Local Counsel:	Robert R. Smith, II

Name:	Case No. 2010-1-E Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs
Status:	Settlement Approved by Commission
Application:	Filed March 24, 2010 Granted April 14, 2010 by Commission Order
Local Counsel:	Thomas S. Mullikin and Robert R. Smith, II

Name:	Case No. 2009-1-E Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs
Status:	Settlement Approved by Commission
Application:	Filed March 12, 2009 Granted March 25, 2009 by Commission Order
Local Counsel:	Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2008-251-E  
Application of Carolina Power and Light Company d/b/a  
Progress Energy Carolinas, Incorporated for the Establishment  
of Procedures for DSM/EE Programs  
Status: On-going  
Application: Filed July 22, 2008  
Granted August 14, 2008 by Commission Order  
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2008-1-E  
Carolina Power & Light Company d/b/a Progress Energy  
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
Status: Settlement Approved by Commission  
Application: Filed March 26, 2008  
Granted April 15, 2008 by Commission Order  
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2007-1-E  
Carolina Power & Light Company d/b/a Progress Energy  
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
Status: Settlement Approved by Commission  
Application: Filed February 8, 2007  
Granted March 2, 2007 by Commission Order  
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2006-1-E  
Carolina Power & Light Company d/b/a Progress Energy  
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
Status: Settlement Approved by Commission  
Application: Filed February 28, 2006  
Granted March 27, 2006 by Commission Order  
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2005-1-E  
Carolina Power & Light Company d/b/a Progress Energy  
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
Status: Settlement Approved by Commission  
Application: Filed May 4, 2005  
Granted June 14, 2005 by Commission Order  
Local Counsel: Thomas S. Mullikin

Applicant was previously permitted by the South Carolina Public Service Commission to participate in a number of matters in the late 1980s and throughout the 1990s based on oral motion at the hearing, which was the standard practice at the time. Applicant also participated in two appeals of two Commission cases that were resolved by the Supreme Court of South Carolina, in which pro hac vice status may have been granted.<sup>1</sup> However, Applicant does not recall the details of these cases, or any other cases, which were completed many years ago. Applicant has never been denied the right to participate in a South Carolina case.

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<sup>1</sup> *Nucor Steel, a Div. of Nucor Corp. v. South Carolina Public Service Com'n*, 310 S.C. 539, 426 S.E.2d 319 (1992); and *Hamm v. South Carolina Public Service Com'n*, 307 S.C. 188, 414 S.E.2d 149 (1992).

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named regulatory agency for this case only.

DATED this 20 day of June, 2011.

  
\_\_\_\_\_  
APPLICANT


### VERIFICATION

DISTRICT OF COLUMBIA )

I, Garrett A. Stone, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

  
\_\_\_\_\_  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 20<sup>th</sup> day of June, 2011.

  
\_\_\_\_\_

Notary Public for the District of Columbia

My Commission Expires: April 14, 2012

### LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 22 day of June, 2011

  
\_\_\_\_\_  
LOCAL COUNSEL OF RECORD



### CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 22 day of June, 2011.

Robert B. Smith II



District of Columbia Court of Appeals  
Committee on Admissions  
430 F Street, N.W. — Room 123  
Washington, D. C. 20001  
202 / 879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia  
Court of Appeals, do hereby certify that

GARRETT A. STONE

was on the 11<sup>TH</sup> day of APRIL, 1986  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on June  
17, 2011.

JULIO A. CASTILLO  
Clerk of the Court

By:   
Deputy Clerk

VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*  
IN THE STATE OF SOUTH CAROLINA

RECEIVED

JUN 22 2011

S.C. SUPREME COURT

IN THE MATTER OF:

Docket No. 2011-158-E

Application Regarding the Acquisition of  
Progress Energy, Incorporated by Duke  
Energy Corporation and Merger of Progress  
Energy Carolina, Incorporated and Duke  
Energy Carolinas, LLC

Public Service Commission of South Carolina

Mailing Address:

101 Executive Center Dr.  
Suite 100  
Columbia, SC 29210

Comes now Michael K. Lavanga, applicant herein, and respectfully represents the following:

1. Applicant resides at 8715 Highgate Road, Alexandria, County of Fairfax, VA 22308; telephone number 703-704-5366.

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Brickfield, Burchette, Ritts & Stone, PC, with offices at 1025 Thomas Jefferson Street, NW, 8<sup>th</sup> Floor West, Washington, DC 20007; telephone 202-342-0800; fax number 202-342-0807.

3. Applicant has been retained personally or as a member of the above named law firm by Nucor Steel-South Carolina to provide legal representation in connection with the above case now pending before the above named regulatory agency of the State of South Carolina.

4. Since August of 2001, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

<u>Court:</u>	<u>Date Admitted:</u>
Virginia	2000

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

Not applicable.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Applicant affirms the above statement to be true and correct.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable.

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Application: Filed March 21, 2011  
Granted March 30, 2011 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2010-1-E  
Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
Status: Settlement Approved by Commission  
Application: Filed March 24, 2010  
Granted April 14, 2010 by Commission Order  
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2008-447-EG  
Petition of the Office of Regulatory Staff to Establish Docket to Consider Implementing the Requirements of Section 1307 (State Consideration of Smart Grid) and Section 532 (Energy Efficiency Programs) of the Energy Independence and Security Act of 2007  
Status: Stipulation Adopted  
Application: Filed April 30, 2009  
Granted May 13, 2009 by Commission Order  
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2009-1-E  
Carolina Power & Light Company d/b/a Progress Energy  
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
Status: Settlement Approved by Commission  
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Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

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12. Applicant respectfully requests to be admitted to practice in the above named regulatory agency for this case only.

DATED this 20 day of June, 2011.

  
APPLICANT

## VERIFICATION

DISTRICT OF COLUMBIA )

I, Michael K. Lavanga, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

  
\_\_\_\_\_  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 20<sup>th</sup> day of June, 2011.

  
\_\_\_\_\_

Notary Public for the District of Columbia

My Commission Expires: April 14, 2012

## LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 22 day of June, 2011

  
\_\_\_\_\_  
LOCAL COUNSEL OF RECORD

### **CERTIFICATE OF SERVICE**

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Robert R. Smith II



District of Columbia Court of Appeals  
Committee on Admissions  
430 F Street, N.W. — Room 123  
Washington, D. C. 20001  
202 / 879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia  
Court of Appeals, do hereby certify that

MICHAEL K. LAVANGA

was on the 6<sup>TH</sup> day of AUGUST, 2001  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on June  
17, 2011.

JULIO A. CASTILLO  
Clerk of the Court

By:   
Deputy Clerk